

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LEVAR ALI HARLEY

CIVIL ACTION

v.

COMMONWEALTH OF  
PENNSYLVANIA, et al.

NO. 10-6825

**ORDER**

AND NOW, this 15<sup>th</sup> day of *March*, 2011, upon careful and independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of Thomas J. Rueter, Chief United States Magistrate Judge, it is hereby

**ORDERED**

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Petitioner's "Petition to Withdrawal [sic] Habeas Corpus" (Doc. No. 8) is **GRANTED**; and
3. The petition for a writ of habeas corpus is **DISMISSED** without prejudice.

BY THE COURT:

*Mary A. McLaughlin*  
MARY A. MCLAUGHLIN,